

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

MDL No. 1456  
Master File No. 1:01-CV-12257-PBS  
Sub Docket No. 1:10-CV-11186-PBS

THIS DOCUMENT RELATES TO:  
*United States ex rel. Ven-A-Care of the Florida  
Keys*  
v.  
*Baxter Healthcare Corporation and Baxter  
International Inc.*

Judge Patti B. Saris

**[PROPOSED] SCHEDULING ORDER**

October 28, 2010

Saris, U.S.D.J.

WHEREAS, Relator Ven-A-Care of the Florida Keys ("Relator") filed its original complaint on June 23, 1995, and an amended complaint on May 14, 2010 in the U.S. District Court for the Southern District of Florida;

WHEREAS, the amended Complaint was unsealed on May 28, 2010 and assigned Civil Action No. 1:10-cv-21745-ASG;

WHEREAS, the matter was transferred to the District of Massachusetts by the Judicial Panel for Multidistrict Litigation on July 15, 2010 and assigned Case No. 10-cv-11186-PBS;

WHEREAS, that case was consolidated with Case No. 01-cv-12257-PBS (MDL No. 1456) on July 16, 2010;

WHEREAS, counsel for the Relator and counsel for Defendants have begun to discuss the possibility of a resolution of this matter without the need for further litigation;

WHEREAS, on September 29, 2010, this Court approved a proposed scheduling order whereby the parties were to engage in formal mediation prior to October 29, 2010 in an attempt

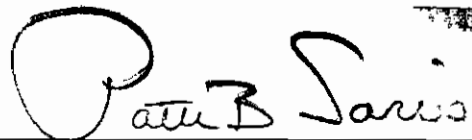
to resolve this matter and, if not successful, were to file by no later than November 15, 2010, a joint proposed schedule to the Court for motion to dismiss briefing.

WHEREAS, the parties have made some progress toward resolution of this matter and would like to continue to pursue informal resolution at this time.

NOW THEREFORE, it is ORDERED, as follows:

1. Relator and Defendants shall continue to engage in informal mediation prior to December 31, 2010 in an attempt to resolve this matter;
2. All deadlines shall be stayed during the pendency of this mediation period;
3. Should mediation not be successful, the parties will, by no later than January 17, 2011, jointly propose a schedule to the court for motion to dismiss briefing.

So ordered.

A handwritten signature in black ink, reading "Patti B Saris". The signature is written in a cursive, flowing style. The "P" is large and loops around the "atti". The "B" is smaller and sits between "atti" and "Saris". The "Saris" is written in a more upright, but still cursive, script.

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Judge Patti B. Saris